

REMARKS

The Examiner is thanked for the performance of a thorough search.

**STATUS OF CLAIMS**

Claims 1, 4-9, 12-16, 19-24, and 27-31 have been amended.

Claims 32-41 have been added.

No claims have been cancelled or withdrawn.

Claims 1-41 are currently pending in the application.

**SUMMARY OF THE REJECTIONS/OBJECTIONS**

The Oath/Declaration has been objected to as allegedly failing to provide the inventor's post office address. The drawings have been objected to because FIG. 1 allegedly only illustrates that which is old and is not identified as --Prior Art--. Claims 1-31 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Claims 1-31 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by "the admitted prior art," or, in the alternative, under 35 U.S.C. 103(a) as obvious over the "admitted prior art." The rejections are respectfully traversed.

**RESPONSE TO REJECTIONS NOT BASED ON THE PRIOR ART**

**A. OATH/DECLARATION & "POST OFFICE ADDRESS"**

As a preliminary matter, the Applicant notes that the Office Action in the objection to the "Oath/Declaration" appears to be referring to an earlier version of 37 CFR 1.33(a), yet the Office Action fails to provide a citation of that earlier version of the cited rule. The Applicant has reviewed the current 37 CFR 1.33(a), which addresses the correspondence address to be used for the Office to send correspondence concerning the application. Yet the Office Action's objection is under the title "Oath/Declaration," which seems to indicate that the objection concerns the address of the named inventor. If the Office Action's objection to the Oath/Declaration is based on an earlier version of 37 CFR 1.33(a) that was in effect at the time of filing the Declaration and Power of Attorney as part of the Response to the Notice to

File Missing Parts, as filed by the Applicant on January 29, 2001, the Applicant respectfully requests that a copy of the earlier version of 37 CFR 1.33(a) in effect nearly 3 ½ years ago and that is being relied upon in the Office Action be provided to the Applicant.

The current form of 37 CFR 1.33(a) states:

When filing an application, a correspondence address must be set forth in either an application data sheet (§ 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing.

Attached is a copy of the "Utility Patent Application Transmittal" that accompanied the Application as filed on September 28, 2000, which clearly shows the "Correspondence Address" in the lower left hand corner as the following:

Hickman Palermo Truong & Becker, LLP  
1600 Willow Street  
San Jose, California 95125-5106

The Applicant notes that all communications from the Office concerning the Application, starting with the Filing Receipt mailed on December 7, 2000 through the Office Action mailed April 7, 2004, have been properly addressed and received at the designated correspondence address. Thus, the Applicant respectfully submits that the Correspondence Address for the Application has been properly submitted to the Office and has been correctly recognized by the Office, and therefore the Office Action's objection to the Correspondence Address is thereby rendered moot.

In the event that the Office Action's objection concerns the mailing address of the named inventor, the Applicant has attached a copy of the Declaration and Power of Attorney that was included in the Response to the Notice to File Missing Parts as filed on January 29, 2001 and which was received by the Office on January 31, 2001, as indicated from the stamp from OIPE on the enclosed copy of the postcard. Furthermore, the Updated Filing Receipt issued by the Office on April 12, 2001 indicates that the inventor's information was properly provided.

The Applicant notes that the Declaration and Power of Attorney executed by the sole named inventor appoints a list of attorneys and/or agents of Hickman Palermo Truong & Becker LLP and providing the same correspondence address as provided on the Utility Patent Application Transmittal discussed above.

The Applicant also notes that the executed Declaration and Power of Attorney provides a full and complete mailing address for the sole named inventor, Tyrone Floryanzia, as follows: 7025 Kit Creek Road, Research Triangle Park, NC 27709.

37 CFR 1.63(c) states:

“Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:

- (1) The **mailing address**, and the **residence** if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor; (emphasis added.)

The signature block for inventor Floryanzia provides a proper and complete mailing address, which is the same as the inventor’s residence, which was correctly interpreted by the Office as shown on the Filing Receipt mailed on December 7, 2000. Therefore, the Applicant respectfully submits that the Declaration and Power of Attorney as filed on January 29, 2001 with the Response to the Notice to File Missing Parts fully complies with 37 CFR 1.63(c), and as a result, the objection to the Declaration in the Office Action is thereby rendered moot.

#### B. DRAWINGS & LABELING FIG. 1 AS “PRIOR ART”

The drawings have been objected to in the Office Action, and in particular, the Office Action alleges that “Figure 1 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).” However, contrary to the assertion of the Office Action, the elements illustrated in FIG. 1 of the application are not merely “that which is old” because several elements, specifically gatekeepers 102A, 102B and gateway 110, are used to implement several aspects of the claims. As such, FIG. 1 illustrates a high level overview of inventive elements (e.g., the devices and a system in which the approaches of the claims may be implemented through software contained within some of the illustrated elements) and is described in the Background section of the Application for introductory purposes.

In particular, FIG. 1 is “a block diagram that illustrates a model of various VoIP functions in VoIP physical entities,” (Application, page 9, lines 5-6), and several of the entities illustrated in FIG. 1 can include software that implements one or more features of the claimed invention. Specifically, in FIG. 3A, FIG. 3B, and FIG. 3C, which “is a diagram of messages that may pass between elements of the system of FIG. 2A in a secure Registration

message flow,” (Application, page 9, lines 9-10), several functions are performed by a “gateway” (e.g., those illustrated in blocks 302, 304, and 306 of FIG. 3A) and others are performed by a “gatekeeper” (e.g., those illustrated in blocks 308, 310, 312, and 314 of FIG. 3A, blocks 330, 332, 334, and 336 of FIG. 3C). The “gateway” and “gatekeeper” of FIG. 3A can be implemented as either gatekeeper 102A or 102B of FIG. 2A and gateway 110 of FIG. 2A, respectively, which are each the same elements and denoted by the same reference numerals as in FIG. 1.

Therefore, Applicant respectfully submits that FIG. 1 need not include a legend such as -- Prior Art -- because FIG. 1 illustrates a high level overview of several inventive elements, such as software that is included in either gatekeeper 102A, gatekeeper 102B, and gateway 110 and that are configured to perform several aspects of the claims, such as those illustrated in FIG. 3A, 3B, and 3C.

### C. INDEFINITENESS REJECTIONS

Claims 1-31 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claims 4, 9, 19, 22, and 27 have been rejected as allegedly indefinite for reciting the limitation “the then-current” time. Claims 4, 9, 19, 22, and 27 also have been rejected as allegedly indefinite for reciting the term “reasonable.” Claims 1-31 have been rejected as allegedly indefinite for reciting the term “non-encrypted.” Claims 3, 11, 18, and 26 have been rejected as allegedly indefinite for reciting the term “H.235 ClearToken.”

#### (1) “THE THEN-CURRENT TIME” AND “REASONABLE”

The Office Action rejects Claims 4, 9, 19, 22, and 27 as allegedly indefinite for reciting the limitation “the then-current” time, with the Office Action explaining that it “is unclear when ‘then’ is” and that the “determining” step in which this limitation occurs cannot be understood if “then” is the time of creation. Also, the Office Action rejects Claims 4, 9, 19, 22, and 27 as allegedly indefinite for reciting the limitation “reasonable,” with the Office Action explaining that the “term ‘reasonable’ is not defined by the claims, the specification

does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.”

Claims 4, 9, 19, 22, and 27 have been amended to replace the term “a reasonable time” with “an acceptable interval of time” and to replace the term “then-current time” with “current time.” As amended, Claims 4, 9, 19, 22, and 27 are fully supported by the Application (e.g., *see page 16, line 24 through page 17, line 7; page 19, lines 16-21; and page 23, lines 7-12*). No new matter is introduced. Therefore, the Applicant respectfully submits that the amendments to Claims 4, 9, 19, 22, and 27 fully address the rejections of Claims 4, 9, 19, 22, and 27 with respect to the claim terms “the then-current” and “reasonable.”

(2) “NON-ENCRYPTED”

The Office Action rejects Claims 1-31 as allegedly indefinite for reciting the term “non-encrypted, with the Office Action explaining that “data transferred over Internet Protocol must be encrypted in one way or another. The information is stored as bits that can only be retrieved by one with the correct key or algorithm.” However, as explained below, the Applicant respectfully submits that the Office Action’s characterization that all data transferred via IP must be encrypted is technically incorrect.

The communications protocol known as the Transmission Control Protocol/Internet Protocol (TCP/IP) is a layer based communications protocol, of which there are seven layers in the Open System Interconnection (OSI) model. The network or IP layer, layer 3, accepts TCP or UDP packets from layer 4 and prepares them for the data link layer, layer 2. The IP protocol is used to route the packets from network to network, such as by determining the next hop from one router to another. However, the packets are not encrypted as part of IP, and in fact, if one sends information over the Internet via the Internet Protocol, the packets are only encrypted if extra steps are taken, such as by encrypting the information to be transmitted prior to transmission such as through the use of an key-based encryption method, or by using a secure communications protocol, such as Secure Sockets Layer (SSL) or Transport Layer Security (TLS), in which the sender and receiver negotiate a set of encryption keys to encrypt/decrypt the information sent over the secure connection.

Encryption itself involves the reversible transformation of data from the original form, typically referred to as the plaintext, to a difficult-to interpret format, typically referred to as

the ciphertext. Typically the conversion from plaintext to ciphertext is based on an encryption algorithm. In some encryption methods known as “private key” encryption, a single secret key is used to both encrypt and decrypt the information, whereas in other encryption methods known as “public key/private key,” a public key that is not protected is used to encrypt the information while a private key that is protected can only be used to decrypt the information.

Contrary to the assertion in the Office Action, it is technically incorrect to say that data transferred via the Internet Protocol “must be encrypted in one way or another.” Just because the information is based on a packet based approached that converts the original data readable by a person into a series of bits does not mean that the information is encrypted. In general, information transmitted using IP is not encrypted, otherwise one would always need the key to read e-mail, which is certainly not the case for vast majority of e-mail messages. Furthermore, the Office Action’s reasoning, when extended, would mean than written and spoken language is “encrypted” because one cannot understand language without knowing the “algorithm” (e.g., the applicable grammatical rules) and keys (e.g., the definitions of the words).

Therefore, the self-evident meaning of the term “non-encrypted” is to denote that something is not encrypted and thus does not rely on using encryption. For example, if one sends an e-mail message to another person, the message is generally not encrypted (e.g., non-encrypted, unless the sender either (a) encrypts the message prior to transmission or (b) transmits the message via a secure connection, such as by using SSL/TLS, which handles the encryption and decryption of the message without the user’s intervention. Thus, in either case, the message is “encrypted” in contrast to “non-encrypted” when such extra efforts are made to safeguard the e-mail message.

Finally, the Office Action’s rejection of the term “non-encrypted” is inconsistent with the Office Action’s rejections of the claims, which states: “The claimed invention...seems to be the same as the admitted prior art, with the substitution of not encrypting the authentication information, as is done in the prior art...Further, the examiner takes official notice that not encrypting information will lower processing time and security. It would have been obvious to one of ordinary skill in the art to not encrypt the authentication information when a lower level of security is necessary, to lower the processing time.” Thus, the rejection of the claims in the Office Action recognizes that information communicated via the Internet Protocol need

not be encrypted, and also illustrates that the claim term “non-encrypted” was properly understood to mean that the authentication request information is not encrypted.

Therefore, the Applicant respectfully submits that the term “non-encrypted” is not indefinite because the term “non-encrypted” denotes something that is not encrypted, in contrast to something that is encrypted using a cryptographic algorithm.

(3) “H.235 CLEARTOKEN”

The Office Action rejects Claims 3, 11, 18, and 26 as allegedly indefinite for reciting the term “H.235 ClearToken,” with the Office Action explaining that “it is a trademark.” However, the Office Action fails to provide any basis for the assertion that “H.235 ClearToken” is in fact a trademark, which is defined as “a word, letter, symbol, or device adopted by one manufacturer or merchant and used to identify and distinguish his or her product from those of others. It is a proprietary word, letter, symbol, or device pointing distinctly to the produce of one producer.” MPEP §608.01(v).

Contrary to the assertion of the Office Action, neither “H.235 ClearToken” nor just “ClearToken” are trademarks. The Applicant has performed a search of the U.S. Patent and Trademark Office Trademark Electronic Search System (TESS) for “H.235 ClearToken,” “H.235,” “ClearToken,” and “Clear Token,” none of which were identified as trademarks in TESS. The Applicant has performed a search using the Google<sup>TM</sup> search engine and failed to find a single instance of “H.235 ClearToken” or any variants thereof being used as a trademark.

Therefore, the Applicant respectfully submits that the objection to the term “H.235 ClearToken” is rendered moot in light of the fact that “H.235 ClearToken” is not a trademark. However, if the Office is aware of any pending trademark applications or registered trademarks relating to the term “H.235 ClearToken,” the Applicant respectfully request that such application or registered trademarks be identified in the next communication from the Office.

## RESPONSE TO REJECTIONS BASED ON THE PRIOR ART

Claims 1-31 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by “the admitted prior art,” or, in the alternative, under 35 U.S.C. 103(a) as obvious over the “admitted prior art.” The rejections are respectfully traversed.

### A. THE CLAIM REJECTIONS OVER THE “ADMITTED PRIOR ART”

The Office Action’s rejections of all of the 31 claims pending in the application as filed, in their entirety, are as follows:

“Claims 1-31, as best understood, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **admitted prior art**.

The claimed invention, as described by the specification, seems to be the same as the **admitted prior art**, with the substitution of not encrypting the authentication information, as is done in the prior art. Since all the claims state comprising, further encrypting the information would read on the claims.

Further, the examiner takes official notice that not encrypting information will lower processing time and security. It would have been obvious to one of ordinary skill in the art to not encrypt the authentication information when a lower level of security is necessary, to lower the processing time.” (Emphasis added.)

As a preliminary matter, the Applicant notes that the Office Action does not indicate that a prior art search has been performed, as no prior art references are identified in the Office Action, nor is a “References Cited” form included with the Office Action. The lack of a prior art search is also contrary to the Manual of Patent Examining Procedure (MPEP) which states: “After the application has been read and the claimed invention understood, a prior art search for the claimed invention is made.” MPEP §706.

Furthermore, the Applicant notes that the Application as filed includes 31 claims, yet the claim rejections, which are reproduced in their entirety above, focus on one aspect of one step of independent Claim 1, without addressing a single additional feature of any of the other independent claims, little less any additional features as recite in the 25 dependent claims. Instead of explaining the basis of the rejections for each claim, the Office Action merely provides a summary conclusion that one aspect of the independent claims is either shown by the “admitted prior art” or is obvious in light of the prior art. Thus, the Office Action is

alleging that each claim of the 31 claims as filed with the Application is either anticipated or obvious in light of the “admitted prior art.”

In addition, the Office Action fails to any prior art references, other than to refer to the “admitted prior art.” Since the Applicant has not admitted to any references qualifying as prior art, the Applicant is at a loss to be able to discern the basis for the rejections of the claims in the Office Action. While the Background section of the Application describes voice over IP (VoIP), along with two VoIP recommendations from the International Telecommunications Union (ITU) (e.g., ITU Recommendations H.323 and H.235), and while the Applicant has provided an Information Disclosure Statement (IDS) on January 9, 2001 listing eight references, nowhere in either the Application or the IDS has the Applicant admitted that any such information described or provided qualifies as prior art.

In particular, the Applicant respectfully submits that there is no basis for construing the contents of the Application section titled “Background of the Invention” as an admission that the information contained therein is admitted to be prior art. Regarding the IDS, the IDS itself states that “the submission of this Information Disclosure Statement...is not to be construed as an admission that the information cited in this statement is material to patentability.” This position is consistent with the MPEP, which states: “When applicant states that something is prior art, it is taken as being available as prior art against the claims.” MPEP §2129. Thus, the lack of an admission by the Applicant than anything in either the Background or the IDS is prior art precludes any such information as being “admitted prior art” as alleged in the Office Action. Therefore, the Applicant respectfully submits that because no admission has been made that either the contents of the Background portion of the Application nor the references supplied with the IDS are prior art, there is no “admitted prior art” that can be properly cited in the Office Action.

In addition, the Office Action fails to cite any portions of any prior art references, and in fact, the Office Action fails to identify even a single prior art reference, other than to refer to the “admitted prior art.” In an Office Action: “In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command...” 37 C.F.R. § 1.104(c)(2); MPEP §707. Similarly, the MPEP explains: “The goal of examination is to clearly articulate any rejection early in the examination process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest

opportunity.” MPEP §706. “Where a claim is refused for any reason relating to the merits thereof, it should be ‘rejected’ and the ground of rejection fully and clearly stated...” MPEP §707(d). “An omnibus rejection of the claim ‘on the references and for the reasons of record’ is stereotyped and usually not informative and should therefore be avoided...A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.” MPEP §707(d).

The present rejections of the claims, due to the lack of any identification of the alleged prior art, do not provide Applicants with adequate notice or reasonable particularity with respect to the basis of the rejections. Not only is the Applicant at a loss to determine which portions of the alleged “admitted prior art” is being relied upon in the rejections of the claims, the Applicant is unable to determine what references are even being relied upon. Furthermore, only one feature of one step of Claim 1 is recited in the rejection of all 31 claims, with nothing mentioned in the Office Action as to the balance of Claim 1 nor any of the other 30 claims in the application as filed. As a result, Applicants have had to engage in guesswork to determine the basis of the rejections, then formulate the rationale for the rejections, and then respond to the rejections, as discussed further herein.

In addition, the failure of the Office Action to identify any references precludes the Applicant from being able to determine if the references relied upon do in fact qualify as prior art, and if so, precludes the Applicant from being able to traverse the rejections over such references without having to make claim amendments or providing arguments over the art, such as by relying upon 37 C.F.R. 1.131.

## B. CLAIM 1

Claim 1 features:

“A method of securely establishing a call between a first node of a voice over Internet Protocol call connection and a second node thereof, the method comprising the computer-implemented steps of:  
receiving non-encrypted authentication request information from the first node;

receiving, from an **authentication server** that is communicatively coupled to the second node, an authentication message indicating **whether the first node is authenticated based on the non-encrypted authentication request information**; and

establishing a call between the second node and the first node only when the authentication message indicates that the first node is authenticated at the authentication server.” (Emphasis added.)

Thus, Claim 1 features the use of an authentication server to authenticate the first node based on the non-encrypted authentication request information received from the first node. The call between the first node and second node is only established when the authentication message indicates that the first node is authenticated at the authentication server.

Because of the use of non-encrypted authentication request information in the approach of Claim 1, there is no need for an authenticating gatekeeper to maintain or acquire passwords for users and gateways. (See Application, page 11, lines 10-15.) For example, while the H.235 recommendation relies upon CryptoTokens that include encrypted information (Application, page 4, lines 1-15) that would require the gatekeepers to track a potentially large number of gateway ID’s and passwords (Application, page 4, lines 16-26), the approach of Claim 1 relies upon non-encrypted authentication request information, such as ClearTokens that are data structures that carry unencrypted data (Application, page 11, lines 10-15).

While the use of the non-encrypted authentication request information may impact the security provided in the conventional H.235 approach, the use of an authentication server in the approach of Claim 1 provides security in lieu of using encrypted authentication request information. Specifically, in the approach of Claim 1, the authentication server authenticates the first node based on the non-encrypted authentication request information, and an authentication messages is received from the authentication server that indicates whether the first node is authenticated or not. Thus, while in the conventional H.235 approach security is provided by the gatekeeper that performs authentication, in the approach of Claim 1, the burden of authenticating the first node is born by the authentication server, which is a mechanism that is designed specifically for performing an authentication function.

The Office Action asserts that the only difference between Claims 1-31 and the “admitted prior art” is that the authentication information is not encrypted and that not encrypting information is obvious to one of ordinary skill in the art when a lower level of security is necessary. However, Office Action ignores the use of the authentication server to perform authentication based on the non-encrypted authentication request information in establishing a voice over IP call connection, which thereby provides the security that is no longer available as a result of not encrypting the authentication information. The conventional approach of the H.235 recommendation does not include an authentication server, and this is a fundamental difference between the approach of Claim 1 and that of the H.235 recommendation.

Because the Office Action has not cited any prior art that discloses, teaches, suggests, or in any way renders obvious “receiving **non-encrypted authentication request information** from the first node” and “receiving, from an **authentication server** that is communicatively coupled to the second node, an authentication message indicating **whether the first node is authenticated based on the non-encrypted authentication request information**,” the Applicant respectfully submits that, for at least the reasons stated above, Claim 1 is allowable over the art of record and is in condition for allowance.

#### C. CLAIMS 7, 16, 24, 30, AND 31

Claims 7, 16, 24, 30, and 31 contain features that are either identical or similar to those described above with respect to Claim 1. In particular, Claim 7 features “receiving non-encrypted authentication request information from the first gateway” and “receiving from the authentication server an authentication message indicating whether the first gateway is authenticated based on the non-encrypted authentication request information,” which is nearly the same as in Claim 1. Similarly, Claim 16 features “receiving non-encrypted authentication request information from the first gateway” and “receiving from the authentication server a second authentication message indicating whether the first gateway is authenticated based on the non-encrypted authentication request information”, which again is nearly the same as in Claim 1. Finally, Claims 24, 30, and 31 all feature “receiving non-encrypted authentication request information from the first node” and “receiving, from an authentication server that is communicatively coupled to the second node, an authentication message indicating whether

the first node is authenticated based on the non-encrypted authentication request information,” as in Claim 1.

Therefore, based on at least the reasons stated above with respect to Claim 1, the Applicant respectfully submits that Claims 7, 16, 24, 30, and 31 are allowable over the art of record and are in condition for allowance.

D. CLAIMS 2-6, 8-15, 17-23, 25-29, 32-36, AND 37-41

Claims 2-6, 8-15, 17-23, 25-29, 32-36, and 37-41 are dependent upon Claims 1, 7, 16, 24, 30, and 31, respectively, and thus include each and every feature of the corresponding independent claims. Each of Claims 2-6, 8-15, 17-23, 25-29, 32-36, and 37-41 is therefore allowable for the reasons given above for the Claims 1, 7, 16, 24, 30, and 31. In addition, each of Claims 2-6, 8-15, 17-23, 25-29, 32-36, and 37-41 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time. Therefore, it is respectfully submitted that Claims 2-6, 8-15, 17-23, 25-29, 32-36, and 37-41 are allowable for the reasons given above with respect to Claims 1, 7, 16, 24, 30, and 31.

CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. After entry of the amendments, further examination on the merits is respectfully requested.

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Further examination on the merits after entry of the amendments are respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Craig G. Holmes  
Reg. No. 44,770

Date: July 7, 2004

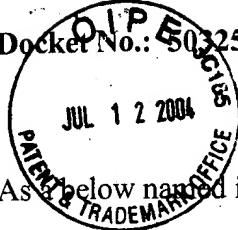
1600 Willow Street  
San Jose, CA 95125  
Telephone: (408) 414-1080, ext. 207  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Mail Stop AMENDMENT P.O. Box 1450, Alexandria, VA 22313-1450.

on 7-7-04

by Annette J. Seal



## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter claimed and for which a patent is sought on the invention entitled AUTHENTICATING ENDPOINTS OF A VOICE OVER INTERNET PROTOCOL CALL CONNECTION, the specification of which

- is attached hereto.  
 was filed on September 28, 2000 as Application Serial No. 09/676,265 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Applications(s):**

| Number | Country | Day/Month/Year filed | Priority Claimed                                     |
|--------|---------|----------------------|--|
|        |         |                      | <input type="checkbox"/><br><input type="checkbox"/> |

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below

**RECEIVED**

**Prior Provisional Application(s):**

| Application Number | Filing Date |             |
|--------------------|-------------|-------------|
|                    |             | JUL 19 2004 |

Technology Center 2100

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

| Serial No. | Filing Date | Status: Patented, Pending, Abandoned |
|------------|-------------|--------------------------------------|
|------------|-------------|--------------------------------------|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Edward A. Becker, Reg. No. 37,777; Marcel K. Bingham, Reg. No. 42,327; Carl L. Brandt, Reg. No. 44,555; Brian D. Hickman, Reg. No. 35,894; Christopher J. Palermo, Reg. No. 42,056; Carina M. Tan, Reg. No. 45,769; Bobby K. Truong, Reg. No. 37,499; and Craig G. Holmes, Reg. No. 44,770 all of

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with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

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Full name of sole or first inventor: Tyrone Floryanzia

Inventor's signature: *Tyrone Floryanzia*

Date: 1/24/01

Residence: 7025 Kit Creek Road, Research Triangle Park, NC 27709

Citizenship: USA

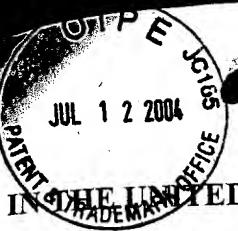
Post Office Address:

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JUL 1 9 2004

Technology Center 2100



Attorney Docket No.: 50325-0102

UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2131

Applicant(s): Tyrone FLORYANZIA

Examiner: NYA

Application No.: 09/676,265

COPY

Filed: September 28, 2000

Title: AUTHENTICATING ENDPOINTS OF A  
VOICE OVER INTERNET PROTOCOL  
CALL CONNECTION

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

**RECEIVED**

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

JUL 19 2004

Technology Center 2100

Sir:

This is in response to a Notice to File Missing Parts of Application under 37 CFR 1.53(f). Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

(X) Executed Declaration and Power of Attorney. The above-identified application is the same application which the inventor executed by signing the enclosed declaration.

(X) Statutory basic filing fee \$710.00 (X) Utility ( ) Design

(X) Additional claim fees of \$438.00

(X) Missing Parts Surcharge = \$130.00

( ) Extension of Time Request for reply to Notice of Missing Parts is requested.

( ) one month = \$110.00

( ) two months = \$380.00

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By Christopher J. Palermo  
Christopher J. Palermo

Reg. No. 42,056

Date: January 29, 2001

Telephone No.: (408) 414-1080 x202

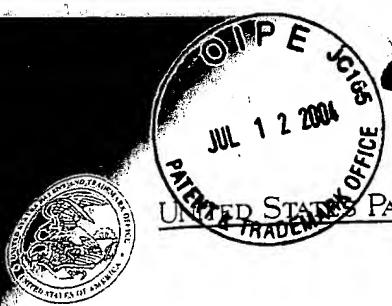
Date of Deposit: January 29, 2001

Typed Name: TIRENA SAY

Signature:

Tirena Say

Hickman Palermo Truong & Becker, LLP  
1600 Willow Street  
San Jose, California 95125-5106



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

COPY

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/676,265         | 09/28/2000          | Tyrone Floryanzia     | 50325-0102             |

Hickman Palermo Truong & Becker, LLP  
1600 Willow Street  
San Jose, CA 95125-5106

## FORMALITIES LETTER



\*OC000000005602510\*

Date Mailed: 12/07/2000

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FILED UNDER 37 CFR 1.53(b)

JUL 19 2004

*Filing Date Granted*

Technology Center 2100

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$432.
  - \$198 for 11 total claims over 20.
  - \$234 for 3 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1252.

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*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**UTILITY PATENT APPLICATION TRANSMITTAL**

Attorney Docket No.

50325-0102

**(New Nonprovisional Applications Under 37 CFR § 1.53(b))**

**TO THE COMMISSIONER FOR PATENTS:**

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, TYRONE MORYANZIA, entitled AUTHENTICATING ENDPOINTS OF A VOICE OVER INTERNET PROTOCOL CALL CONNECTION, for a(n):

- (X) Original Patent Application.  
( ) Continuing Application (prior application not abandoned):  
    ( ) Continuation   ( ) Divisional   ( ) Continuation-in-part (CIP)  
    of prior application No: \_\_\_\_\_ Filed on: \_\_\_\_\_.  
    ( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

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(X) Specification 39 Total Pages; (X) Formal Drawing(s); 23 Total Sheets; (X) Cover Sheet 1 Page  
 (X) Oath or Declaration: 2 Pages

A Newly Executed Combined Declaration and Power of Attorney:  
 Signed.       Unsigned.       Partially Signed.

A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).      **Technology Center 2100**

Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

Power of Attorney.       Return Receipt Postcard.  
 Associate Power of Attorney.       A Check in the amount of \$ \_\_\_\_\_ for the Filing Fee.  
 Preliminary Amendment.       Information Disclosure Statement and Form PTO-1449.  
 A Duplicate Copy of this Form for Processing Fee Against Deposit Account.  
 A Certified Copy of Priority Documents (if foreign priority is claimed).  
 Statement(s) of Status as a Small Entity.  
 Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.  
 Other: \_\_\_\_\_

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| CLAIMS AS FILED                           |           |           |                  |            |
|---|-----------|-----------|------------------|------------|
| FOR                                       | NO. FILED | NO. EXTRA | RATE             | FEE        |
| Total Claims                              | 31        | 11        | \$18.00          | \$ 198.00  |
| Independent Claims                        | 6         | 3         | \$78.00          | \$ 234.00  |
| Multiple Dependent Claims (if applicable) |           |           |                  | \$0.00     |
| Assignment Recording Fee                  |           |           |                  | \$0.00     |
| Basic Filing Fee                          |           |           |                  | \$690.00   |
|   |           |           | Total Filing Fee | \$ 1122.00 |

Charge \$ \_\_\_\_\_ to Deposit Account \_\_\_\_\_ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

Respectfully submitted,

By: Christopher J. Palermo  
Christopher J. Palermo,  
Attorney of Record, Reg. No. 42.056

Date: September 28, 2000

#### **Correspondence Address:**

Hickman Palermo Truong & Becker, LLP  
1600 Willow Street  
San Jose, California 95125-5106  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

By: Casey Moore

Typed Name: Casey Moore

Express Mail Label No.: EL624353763US

Date of Deposit: September 28, 2000



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Acknowledgment Receipt

Mailing Date: January 29, 2001

Attorney Docket No. 50325-0102

Serial No. 09/676,265

Inventor(s): Tyrone FLORYANZIA

Title: AUTHENTICATING ENDPOINTS OF A VOICE OVER INTERNET PROTOCOL  
CALL CONNECTION

Attorney: CJP/tar  
First Class Mail

Documents Enclosed:

- 1) Response to Notice to File Missing Parts (1 pg) (in duplicate)
- 2) Copy of PTO Notice to File Missing Parts (1 pg)
- 3) Declaration and Power of Attorney (executed) (2 pgs)
- 4) Check in the sum of \$1278.00
- 5) Return Acknowledgment Postcard

DOCKETED

DATES:

2/5/04 R

*Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.*